

PETER C. ANDERSON
UNITED STATES TRUSTEE
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ASSISTANT UNITED STATES TRUSTEE
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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:	)	Case No.: 2:17-bk-11972 RK
)	
	)	Chapter 7
BEVERLY MONIQUE MURRAY-)	
CALCOTE,	)	STIPULATION TO VOLUNTARILY
	)	DISMISS CASE WITH A REFILE BAR
Debtor(s).	)	AS TO CHAPTER 7 ONLY IN LIEU OF
	)	DENIAL OF CHAPTER 7 DISCHARGE
	)	UNDER 11 U.S.C. § 727(a)(2), (a)(3), (a)(4)
	)	and (a)(5); VACATING STATUS
	)	CONFERENCE HEARING DATE; AND
	)	CLOSING ADVERSARY PROCEEDING
)	
	)	<u>Continued Status Conference in Related</u>
	)	<u>Adversary Case No.: 2:17-ap-01487 RK:</u>
	)	Date: May 22, 2018
	)	Time: 1:30 p.m.
	)	Place: Courtroom 1675
	)	255 E. Temple Street
	)	Los Angeles, CA

TO THE HONORABLE ROBERT KWAN, UNITED STATES BANKRUPTCY
JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, DEBTOR AND HER
COUNSEL OF RECORD, AND ALL PARTIES IN INTEREST:

1 This Stipulation for dismissal of the bankruptcy case with a 8-year refiling bar as to Chapter
2 7 Only is made by and between the Debtor, BEVERLY MONIQUE MURRAY-CALCOTE,
3 (“Debtor”), and the Office of the United States Trustee (“U.S. Trustee”), by and through their
4 respective counsel of record, with reference to the following facts:

5 **RECITALS**

6 1. On February 17, 2017 (the “Petition Date”), Defendant filed a voluntary, individual
7 petition for relief under Chapter 7 of Title 11 of the United States Code in In re: Beverly Monique
8 Murray-Calcote, Case No. 2:17-bk-11972 RK (the “Instant Case”).
9

10 2. Rosendo Gonzalez is the Chapter 7 trustee appointed for Defendant’s bankruptcy
11 case. The initial Chapter 7 § 341(a) in the Instant Case was set by the Court for March 24, 2017
12 and has been continued several times for the production of additional information and documents
13 related to Defendant’s § 341(a) examination to the present date of February 16, 2018.

14 3. The deadline for filing a complaint under 11 U.S.C. § 727, previously extended by
15 the Court pursuant to a motion filed by Chapter 7 Trustee Gonzalez was September 29, 2017. On
16 September 28, 2017, the U.S. Trustee timely filed a Complaint against Defendant for Denial of
17 Discharge pursuant to 11 U.S.C. § 727(a)(2), (a)(3), (a)(4) and (a)(5) in the Instant Case,
18 Adversary No. 2:17-bk-01487 RK (the “Adversary Proceeding”), alleging the concealment of the
19 interest held by the Debtor and/or non-Debtor spouse in various assets.
20

21 4. On October 30, 2017, Defendant timely filed and served her “Answer to Complaint.”
22

23 5. During the interim period, the parties, by and through their respective counsel of
24 record, have conferred about the relevant issues arising between them. Based thereon, to obviate
25 the need for further and formal litigation, including the continuing prosecution of the pending
26 Adversary Action, the parties stipulate to the following relief in full resolution of all matters.

27 **ACCORDINGLY, IT IS HEREBY STIPULATED THAT:**
28

1 1. This case is hereby and immediately DISMISSED pursuant to 11 U.S.C. §§
2 707(b)(3) and 707(a), with a 8-year refiling bar for any subsequent Chapter 7 case only, from the
3 entry date of the Order approving this Stipulation;

4 2. The Debtor hereby agrees that she shall not and will not file a petition for relief
5 under chapter 7 of Title 11 for a period of 8 years after the bankruptcy court's entry of the order
6 approving this stipulation;

7 3. Any order previously entered granting the Debtor a discharge is VACATED;

8 4. Concurrently with the Court's approval of this Stipulation, the U.S. Trustee will
9 formally withdraw the underlying adversary action seeking denial of Debtor's discharge under 11
10 U.S.C. § 727(a)(2), (a)(3), (a)(4) and (a)(5). The parties agree that the Adversary Proceeding will
11 be closed concurrently with the entry of the withdrawal of the underlying complaint;

12 5. Pursuant to this stipulated resolution, Chapter 7 Trustee Gonzalez and his court-
13 approved professionals hereby agree to waive their respective fees and expenses incurred
14 throughout the course of this bankruptcy case to investigate and attempt to administer estate assets.
15 Under the terms of this stipulated resolution, Chapter 7 Trustee Gonzalez hereby agrees to return
16 any and all estate assets, and potential estate assets, to the custody and possession of the holder or
17 holders of said assets;

18 6. This Court has scheduled a continued status conference (the "Status Conference") on
19 the Adversary Proceeding on May 22, 2018 at 1:30 p.m. However, in light of this resolution, the
20 parties agree that the Status Conference may and should be removed from the Court's calendar
21 upon entry of the Order Approving the instant Stipulation;

22 7. This Stipulation to Dismiss is intended to fully resolve the U.S. Trustee's pending
23 adversary action to deny Debtor's discharge, and any and all related matters by and between the
24 Debtor, Chapter 7 Trustee Gonzalez and the U.S. Trustee. Based thereon, and contemporaneously
25 26 27 28

1 with the entry of an order approving this Stipulation, the U.S. Trustee shall formally withdraw the
2 pending adversary action, Adv. No. 2:17-ap-01487 RK, as resolved in full. Further, the Debtor,
3 Chapter 7 Trustee Gonzalez and the U.S. Trustee hereby agree and stipulate to release any and all
4 claims they have or may have as against the other in connection with the U.S. Trustee's pending
5 adversary action to deny Debtor's discharge, and any and all related matters.


6 9. Each party hereto shall bear their own costs and expenses incurred in the underlying
7 bankruptcy case, case no. 2:17-bk-11972 RK and all matters related thereto.

8 10. The proposed order approving the instant Stipulation to Dismiss Case will be lodged
9 with the Court by the U.S. Trustee via L.O.U. system.

11 IT IS SO STIPULATED AND AGREED:

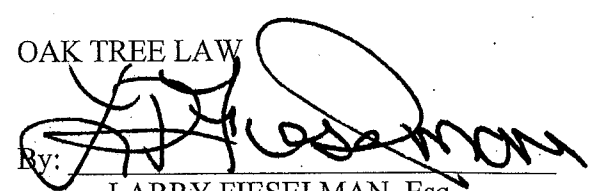
12 DATED: January 7, 2018

PETER C. ANDERSON
UNITED STATES TRUSTEE

13 By: 
14 KENNETH G. LAU, Esq.
15 Trial Attorney for Plaintiff U.S. TRUSTEE

16 DATED: January 25, 2018

OAK TREE LAW

17 By: 
18 LARRY FIESELMAN, Esq.
19 CHRISTINA S. KIM, Esq.
20 Attorneys for Defendant BEVERLY
MONIQUE MURRAY-CALCOTE

21 DATED: January __, 2018

CHAPTER 7 TRUSTEE

22 By: _____
23 ROSENDO GONZALEZ

24 DATED: January __, 2018

MARGULIES FAITH LLP

25 By: _____
26 JEREMY FAITH, Esq.
27 Attorney for Chapter 7 Trustee GONZALEZ
28

1 with the entry of an order approving this Stipulation, the U.S. Trustee shall formally withdraw the
2 pending adversary action, Adv. No. 2:17-ap-01487 RK, as resolved in full. Further, the Debtor,
3 Chapter 7 Trustee Gonzalez and the U.S. Trustee hereby agree and stipulate to release any and all
4 claims they have or may have as against the other in connection with the U.S. Trustee's pending
5 adversary action to deny Debtor's discharge, and any and all related matters.

6 9. Each party hereto shall bear their own costs and expenses incurred in the underlying
7 bankruptcy case, case no. 2:17-bk-11972 RK and all matters related thereto.

8 10. The proposed order approving the instant Stipulation to Dismiss Case will be lodged
9 with the Court by the U.S. Trustee via L.O.U. system.

11 IT IS SO STIPULATED AND AGREED:

12 DATED: January __, 2018

PETER C. ANDERSON
UNITED STATES TRUSTEE

14 By: _____
KENNETH G. LAU, Esq.
15 Trial Attorney for Plaintiff U.S. TRUSTEE

16 DATED: January __, 2018

OAK TREE LAW

18 By: _____
LARRY FIESELMAN, Esq.
19 CHRISTINA S. KIM, Esq.
20 Attorneys for Defendant BEVERLY
MONIQUE MURRAY-CALCOTE


21 DATED: January 24, 2018

CHAPTER 7 TRUSTEE

23 By:  _____
ROSENDO GONZALEZ

25 DATED: January 24, 2018

MARGULIES FAITH LLP

27 By:  _____
JEREMY FAITH, Esq.
28 Attorney for Chapter 7 Trustee GONZALEZ

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

Office of the U.S. Trustee, 915 Wilshire Boulevard, Suite 1850, Los Angeles, California 90017-3560

A true and correct copy of the foregoing document entitled (*specify*):

Stipulation To Voluntarily Dismiss Case With A Refiling Bar As To Chapter 7 Only In Lieu Of Denial Of Chapter 7 Discharge Under 11 U.S.C. § 727(a)(2), (a)(3), (a)(4) and (a)(5); Vacating Status Conference Hearing Date; and Closing Adversary Proceeding

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 02/01/18, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

SEE ATTACHED SERVICE LIST (IF APPLICABLE)

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On (date) 02/01/18, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

SEE ATTACHED SERVICE LIST (IF APPLICABLE)

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) 02/01/18, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

SEE ATTACHED SERVICE LIST (IF APPLICABLE)

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

02/01/18
Date

Lawrence Pleasant
Print Name


Signature

ADDITIONAL SERVICE INFORMATION

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")**

<u>Name</u>	<u>Capacity</u>	<u>Email Address</u>
Kenneth G. Lau	U.S. Trustee Trial Attorney	Kenneth.G.Lau@usdoj.gov
Jeremy Faith/ Noreen A Madoyan	Chapter 7 Trustee's Counsel	Noreen@MarguliesFaithLaw.com; Helen@MarguliesFaithlaw.com; Victoria@MarguliesFaithlaw.com ;Brian@MarguliesFaithlaw.com
Rosendo Gonzalez (TR)	Chapter 7 Trustee	rgonzalez@ecf.epiqsystems.com, vbowen@gonzalezplc.com ,rossgonzalez@gonzalezplc.com
Julie J Villalobos/ Larry Fieselman	Debtor's Counsel	julie@oaktreelaw.com, oakecfmail@gmail.com; r51108@notify.bestcase.com
United States Trustee (LA)		ustspregion16.la.ecf@usdoj.gov

SEE NEF FOR CONFIRMATION OF ELECTRONIC TRANSMISSION TO THE U.S. TRUSTEE AND ANY TRUSTEE IN THIS CASE, AND TO ANY ATTORNEYS WHO RECEIVE SERVICE BY NEF.

2. **SERVED BY U.S. MAIL**

Debtor:

Beverly Monique Murray-Calcote
3166 West Ave M-2
Lancaster CA 93536

3. **SERVED BY (state method for each person served):**

FEDERAL EXPRESS OVERNIGHT MAIL

Judge's Copy

The Honorable Robert Kwan
U.S. Bankruptcy Court
255 E. Temple Street, Room 940
Los Angeles, CA 90012
Attn: Mail Room Clerk-Judges Copies

PERSONAL DELIVERY, FACSIMILE OR EMAIL

Not Applicable